



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/648,494	08/25/2000	Steve J. Koerner	32329 00013	5609

7590 05/17/2005

Squire Sanders & Dempsey LLP
Two Renaissance Square
Suite 2700
40 North Central Avenue
Phoenix, AZ 85004-4498

EXAMINER

ZIMMERMAN, BRIAN A

ART UNIT	PAPER NUMBER
----------	--------------

2635

DATE MAILED: 05/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/648,494

Applicant(s)

KOERNER, STEVE J.

Examiner

Brian A. Zimmerman

Art Unit

2635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-11, 14 and 15 is/are allowed.
- 6) ☒ Claim(s) 1-8, 13, 16-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

EXAMINER'S RESPONSE**Status of Application**

In response to the applicant's amendment received on 2/18/05. The examiner has considered the new presentation of claims and applicant arguments in view of the disclosure and the present state of the prior art. And it is the examiner's position that claims 1-8,12,13,16-30 are unpatentable for the reasons set forth in this office action:

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

1. Claims 13,16-30 are rejected under 35 U.S.C. 102(b) as being clearly anticipate by Granovsky (5276430).

Granovsky shows a plurality of antenna patterns, see figure 1. The signals from these antenna patterns are logically OR'ed together using gate 28 to select an antenna pattern and determining the presence of the RFID device. In figure 18, Granovsky shows logically AND'ing the signals received from the plurality of antenna patterns in order to determine the presence of the RFID. It is noted that signals must be received over a threshold in order to be decoded. Granovsky includes both transmitters and receivers with each antenna pattern. The applicant defines an independent variable such that any EM field property is

Art Unit: 2635

an independent variable, see page 13 of the instant application. Granovsky sends data, which is represented by one of the EM field properties (at least the amplitude of the signal), therefore, Granovsky shows the antennas receiving an independent variable as claimed.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-8,12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Granovsky (5276430) in view of Bledsoe (5742237).

Granovsky is discussed above, and such discussion is incorporated herein. Granovsky does not specifically disclose reading data from the RFID device. In an analogous art, Bledsoe (ex. paragraph 168) discloses reading data from RFID devices that are trying to be located. (Paragraph 168 repeated below):

During the next 64 bit times, U4 expects to simply be sent 1's (i.e clocks) at the beginning of each bit time, and U4 then serially reads out its 8 bit type code (01), its 48 bit identification code, and an 8 bit cyclical redundancy check (CRC) code. In this readout mode, U4 simply allows the bus to return high immediately after the clock to denote a 1, whereas U4 keeps the bus low for 15 to 60 microseconds after the clock pulls it low to denote a 0.

Art Unit: 2635

Bledsoe additionally uses a list in each monitor (interrogator) to assist in locating each transponder.

Also provided in each monitor is section of memory elements for storing such fixed things as: the controlling software, and a unique identity of the monitor. The memory elements also store such dynamically varying quantities as the identity of neighboring monitors with which the monitor can communicate directly; the neighboring monitor selected to provide a two-way communication link to the central computer via a central monitor (such neighboring monitor being called the output partner); the neighboring monitors that depend on this monitor to provide them a communication link to the central computer (input partners); and a list of tags in the vicinity of the monitor, including the identification and signal strength of each.

Therefore, it would have been obvious to include a system that reads the data identifier of the tag in the vicinity of each interrogator and uses this data to provide location information in the Granovsky system since such would provide the added benefit of assisting in the locating of the tagged devices.

Allowable Subject Matter

3. Claims 9-11,14,15 are allowable over the prior art of record.

Response to Arguments

Applicant's arguments filed 2/18/05 have been fully considered but they are not persuasive.

The applicant argues that Granovsky does not teach selecting a plurality of different antenna patterns, each antenna pattern configured to receive a signal corresponding to an independent variable. As fairly interpreted, the claimed term different antenna pattern is interpreted as follows. The term antenna pattern is used to identify one of the antennas. Having different antenna patterns is

Art Unit: 2635

interpreted as having multiple antennas that each has a pattern. The claims do not state that the pattern of the antenna is different, merely that the selected antenna pattern is a different antenna that has a pattern. The Granovsky reference does include multiple antennas and therefore provides a plurality of different antenna patterns.

The applicant argues that Granovsky does not intend that the transmitting antenna and the receiving antenna have different antenna patterns. The claims do not include any limitations that even closely set forth that the transmitting antenna and the receiving antenna have different antenna patterns.

The applicant argues that Granovsky teaches that the OR gate is used to combine a signal from each of the passageways but does not mix or select antenna patterns. The selecting claimed (in claim 1 for example) is "selecting a plurality of different antennas. There is additional selecting of a logical combination, but it appears that the selecting actually being discussed here is the selecting of the antennas. The claims do not include (claim 1 as exemplary) any limitation of selecting a specific antenna. The selecting is selecting a plurality of different antennas for the system.

The applicant argues that Granovsky does not use phase opposition to complement each other within a zone. Again the examiner will discuss this argument with respect to claim 1 since this is the only claim the applicant addresses. Claim 1 does not set forth any limitation of using different phases to complement each other within a zone.

Art Unit: 2635

The applicant argues that Granobsky uses one antenna pattern within each zone and therefore there is no selecting from multiple patterns. Again (with reference to claim 1) the claims do not set forth any limitation of having multiple antennas within each zone, or selecting one antenna pattern.

The applicant argues that Granobsky does not read data from an RFID tag device. This argument is moot in view of the new grounds of rejection including the reference Bledsoe.

The applicant argues that Granobsky does not teach or suggest locating an RFID device within a specific antenna pattern zone. This argument is moot in view of the new grounds of rejection including the reference Bledsoe.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will

Art Unit: 2635

the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian A. Zimmerman whose telephone number is 571-272-3059. The examiner can normally be reached on Off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Horabik can be reached on 571-272-3068. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Brian A Zimmerman
Primary Examiner
Art Unit 2635

BAZ